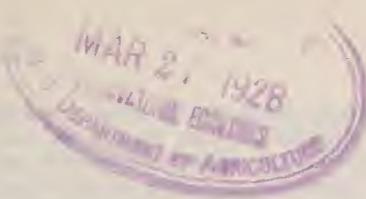


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S. R. A.-B. A. E. 110.

Issued March, 1928

United States Department of Agriculture  
SERVICE AND REGULATORY ANNOUNCEMENTS NO. 110  
BUREAU OF AGRICULTURAL ECONOMICS

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING THE INSPECTION OF HAY AND STRAW<sup>1</sup>

EFFECTIVE FEBRUARY 1, 1928

Under an Act of Congress Approved January 18, 1927 (44 Stat. 976-1007)

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY.

By virtue of the authority vested in the Secretary of Agriculture by the provision in the act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1928," approved January 18, 1927 (44 Stat. 976-1007), authorizing the establishment of an inspection service for farm products, I, W. M. Jardine, Secretary of Agriculture, do prescribe and promulgate the following rules and regulations governing the inspection of hay and straw to be in force and effect on and after February 1, 1928, and as long as Congress shall provide the necessary authority therefor, unless amended or superseded by rules and regulations hereafter prescribed and promulgated under such authority. These rules and regulations are amendatory of, and therefore shall supersede, the rules and regulations governing the inspection of hay issued December 8, 1925.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 2d day of February, 1928.



*W. M. Jardine*  
Secretary of Agriculture.

Regulation 1.—Definitions

SECTION 1. Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

SEC. 2. For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

*Paragraph 1. The act.*—The following provisions of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1928," approved January 18, 1927 (44 Stat. 976-1007): "For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton and fruits, vegetables, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate or at points which may be conveniently reached therefrom, under such

<sup>1</sup> This supersedes Service and Regulatory Announcements No. 86.

rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as *prima facie* evidence of the truth of the statements therein contained."

*Paragraph 2. Person.*—Individual, association, partnership, or corporation.

*Paragraph 3. Secretary.*—Secretary or Acting Secretary of Agriculture of the United States.

*Paragraph 4. Bureau.*—Bureau of Agricultural Economics of the United States Department of Agriculture.

*Paragraph 5. Hay.*—Hay shall include both hay and straw.

*Paragraph 6. Inspector.*—Employee of the Department of Agriculture authorized by the Secretary, or other person licensed by him in accordance with these regulations, to investigate and certify to shippers and other interested parties the class, quality, and condition of hay under the act.

*Paragraph 7. Inspection certificate.*—Certificate of the class, quality, and condition of hay issued by an inspector under the act.

*Paragraph 8. Interested party.*—Any person who has a financial interest in the hay involved, including carriers and warehouses who have handled or will handle the hay, the present owner or any person who owned the hay prior to him, and persons to whom the hay has been sold and whose acceptance of the hay hinges on the inspection, but not including persons who merely are negotiating for its purchase.

*Paragraph 9. Baled hay.*—Hay which has been pressed into bales with presses such as those which are known commonly as perpetual and box presses.

*Paragraph 10. Double compressed hay.*—Hay which has been pressed into bales with what are known commonly as double compression balers.

*Paragraph 11. Loose hay.*—Hay which has not been baled or double compressed.

*Paragraph 12. Regulations.*—Rules and regulations of the Secretary under the act.

#### Regulation 2.—Administration

SECTION 1. The chief of the bureau is charged with the supervision of the performance of all duties arising in the administration of the act.

#### Regulation 3.—Where Service is Offered

SECTION 1. Hay may be inspected for the purpose of the act at points indicated in paragraphs 1, 2, and 3 of this section whenever inspectors are available.

*Paragraph 1. Shipping points.*—Inspections may be made wherever hay is offered for interstate shipment, including farms, warehouses, loading platforms, wagons, trucks, railway cars, boats, and vessels.

*Paragraph 2. Designated markets.*—Important central markets at which inspectors are available will be designated by the Secretary from time to time. Lists of these markets will be published as provided in regulation 8, section 1, and may be obtained from the bureau.

*Paragraph 3. Other points.*—Inspections may be made at any point near a designated market under conditions provided in regulation 7, section 1, to the extent permitted by the time of the inspectors.

#### Regulation 4.—Inspection

SECTION 1. *Forms of inspection.*—Inspection of baled hay may be either complete, partial, or sample; inspection of double compressed hay must be complete; inspection of loose hay may be either partial or sample. These various forms of inspection are described as follows:

*Paragraph 1. Complete inspection of baled hay.*—A complete inspection of baled hay is a thorough examination by an inspector, either (a) of each bale of hay in the lot or (b) of a sufficient portion of the lot to permit the class, quality, and condition of the entire lot to be determined, under conditions prescribed by the chief of the bureau in effect at the time of making the inspection.

*Paragraph 2. Complete inspection of double compressed hay.*—A complete inspection of double compressed hay is a thorough examination for class, quality, and condition by an inspector of the hay compressed into each bale of the lot at the time of compression. The inspector shall cause a tag to be attached to

the wires of each bale inspected. Each such tag shall have stated plainly thereon (a) the words "Federal Hay Inspection," (b) the certificate number, (c) the date of inspection, and (d) the inspector's name and address. Such tags need not be attached if the lot is all of the same class, grade, and condition and is loaded into one car or vessel in such a manner that the lot can be identified therein.

*Paragraph 3. Partial inspection.*—A partial inspection is an examination for class, quality, and condition by an inspector of the visible part of a lot of baled or loose hay. A partial inspection of baled hay shall not be made when a sufficient portion of the hay can be examined at the time of inspection to permit the inspector to make a complete inspection in accordance with paragraph 1 of this section.

*Paragraph 4. Sample inspection.*—A sample inspection is a thorough examination for class, quality, and condition by an inspector of a bale or other portion of hay which is represented to be a sample of a larger lot of baled or loose hay. Such portion shall be, in the opinion of the inspector, of sufficient size to permit accurate determination of all factors affecting its class, quality, and condition.

*SEC. 2. Grade of entire lot established only by complete inspection.*—The grade of an entire lot of hay shall be the grade established only by complete inspection. In case of partial inspections the grade assigned shall apply only to that part of the lot described in the certificate.

*SEC. 3. Number of inspections.*—As many inspections, either partial or complete, may be obtained at the same or any other place, as applicants may desire.

*SEC. 4. Standards to be used.*—Inspectors will use only United States standards when inspecting hay to which such standards apply. Hay for which there are no United States standards may be graded under any standards the applicant desires used and which the inspector can interpret or a certificate may be issued which gives a description of the class, quality, and condition of the hay without reference to any standards.

*SEC. 5. Inspection of artificial mixtures of hay.*—When an artificial mixture of hay, made in double compressing, is graded in accordance with either United States standards or any other standards, as provided in section 4 of this regulation, the inspector shall state the class as the class of the mixture and the grade as the lowest grade of any of the component parts of the mixture.

*SEC. 6. Who may obtain inspection.*—Application for inspection of hay under the act may be made by a State, or by any interested party, or by any authorized person in behalf of such applicant.

*SEC. 7. How inspection may be obtained.*—Application for inspection of hay under the act may be made in writing, or orally, by telegraph, telephone, or otherwise. Such application may be made to any inspector. If made orally, the inspector may require that it be confirmed in writing.

*SEC. 8. Form of application.*—Application for inspection of hay under the act shall be in English, and shall include the following information: (a) The date of application; (b) the identification and location of the hay; (c) the name and post office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant (except the State) therein; (e) a statement that the hay either (1) has been offered for interstate shipment or (2) has been received at some designated important central market or a point which may be conveniently reached therefrom; (f) the form of inspection desired; (g) if the hay has been inspected previously at the same place a statement to that effect; and (h) such other necessary information as the inspector may require.

*SEC. 9. When an application may be withdrawn.*—Application for inspection may be withdrawn by the applicant at any time before the inspection is made upon payment of any expenses incurred in connection therewith as provided in regulation 7, section 3.

*SEC. 10. When an inspection may be refused.*—Any application may be rejected by the inspector with whom it is filed for any noncompliance with the act or these regulations and all expenses incurred in connection therewith shall be paid by the applicant as provided in regulation 7, section 3.

*SEC. 11. Certificates.*—Inspectors shall sign and issue inspection certificates for hay inspected by them in accordance with paragraphs 1, 2, 3, 4, and 5 of this section.

*Paragraph 1. Certificates for baled or loose hay.*—A certificate shall be issued for each lot of baled or loose hay. Each partial inspection certificate shall state the portion of the lot examined by the inspector. Each sample inspection

certificate shall state the size of the sample and that the grade assigned applies only to the sample.

*Paragraph 2. Certificates for additional inspections at the same place.*—Certificates for additional inspection shall state specifically the results of all previous inspections at the same place.

*Paragraph 3. Certificates for double compressed hay.*—A separate certificate shall be issued for each portion of a lot of double compressed hay of the same class, grade, and condition. Each such certificate shall state the number of bales in the lot and that the hay is double compressed. No inspection certificate for double compressed hay shall cover hay of more than one class, grade, and condition.

*Paragraph 4. Divided-lot certificates for double compressed hay.*—Certificates issued in accordance with paragraph 3 of this section for double compressed hay, tagged in accordance with section 1, paragraph 2 of this regulation or divided-lot certificates issued in accordance with this paragraph will be exchanged by any inspector at any time after their issuance for two or more divided-lot certificates covering divided parts of the lot. The amounts covered by each of such divided-lot certificates shall be in accordance with the request of the applicant, provided, the total of the amounts covered by all such divided-lot certificates shall be equal to the amount covered by the surrendered certificate. Each divided-lot certificate shall state it is one of a given number issued in exchange for the surrendered certificate and that the United States Department of Agriculture assumes no responsibility for any change in the quality or condition of the hay covered by this certificate after the date of the original inspection.

*Paragraph 5. Disposition of certificates.*—The original inspection certificate, immediately upon its issuance, shall be delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the inspector, and one or more copies forwarded to the chief of the bureau. Additional copies may be delivered upon request (a) to the applicant for whom the inspection was made, or his order; (b) to interested parties who have sold or purchased the hay involved on the basis of United States hay standards; and (c) to interested carriers and public warehouses.

**SEC. 12. Advance information.**—Upon request of an applicant for whom an inspection has been made, all or any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

#### Regulation 5.—Appeals

**SECTION 1. When an appeal may be taken.**—Whenever an applicant for whom an inspection has been made or any other interested party believes the class, quality, or condition of a lot of hay stated in any complete inspection certificate or sample inspection certificate is not the correct class, quality, or condition for such hay he may file an appeal, provided (a) all of the hay covered by such inspection is available for an appeal inspection; (b) the hay is accessible for making an appeal inspection; (c) the hay has not left the place where the inspection was made from which the appeal is taken; (d) the condition of the hay has not undergone any material change; (e) the identity of the hay has not been lost; and (f) in case of double compressed hay, the appeal inspection can be made before the hay is finally compressed.

**SEC. 2. How to take an appeal.**—Application for an appeal, under the act, from a complete inspection or sample inspection of hay may be made in writing or orally, by telegraph, telephone, or otherwise. If made orally it shall be confirmed the same day in writing. Such application shall be filed (a) with any inspector, or (b) with the chief of the bureau. Such application shall state the reasons therefor and shall be accompanied by the certificate for the inspection from which the appeal is taken, if in the possession of the appellant.

**SEC. 3. When an appeal may be withdrawn.**—An appeal may be withdrawn by the appellant at any time before the appeal inspection is made upon payment of any expense incurred by the department in connection therewith as provided in regulation 7, section 3.

**SEC. 4. When an appeal may be dismissed.**—If it shall appear to the chief of the bureau or the inspectors mentioned in section 5 of this regulation that the reasons stated in an appeal are frivolous or unsubstantial, or the act or these regulations have not been complied with, the appeal may be dismissed, the

appellant shall be notified by telegraph or in writing of the reason for such dismissal, a statement of such action shall be included in the record of such appeal by the officer making the same, and all expenses incurred in connection therewith shall be paid by the appellant as provided in regulation 7, section 3. Upon the dismissal or withdrawal of an appeal, any inspection certificate filed therewith shall be returned immediately to the person by whom filed or delivered upon his written order.

**SEC. 5. Who shall pass upon appeals.**—Appeals shall be passed upon by inspectors designated for the purpose by the chief of the bureau.

**SEC. 6. Appeal inspection certificates.**—When an appeal inspection has been made, an appeal inspection certificate shall be signed and issued by the inspector making the appeal inspection. This appeal inspection certificate shall state the class, quality, and condition of the hay as shown by the appeal inspection. It shall supersede all other certificates for inspections of the same lot of hay previously made at the same place and shall refer specifically to all such previous inspections. Copies of the appeal inspection certificate shall be sent to all interested parties, if known, other than the carriers, and to such of them as have been applicants for any former inspection. In all other respects the provisions of regulation 4 relative to complete inspections shall apply to appeal inspections.

#### Regulation 6.—Licensed Hay Inspectors

**SECTION 1. Persons who show proper qualifications, who are not interested directly or indirectly in the business of merchandising hay, and who complete satisfactorily a course of training prescribed by the chief of the bureau, may be licensed by the Secretary to inspect hay under the act. Licenses for such persons shall be countersigned by the specialist in charge, the specialist in inspection, or the supervising inspector under whose direction the licensee is to make inspections.**

**SEC. 2. Any inspector's license may be suspended, pending final action by the Secretary, by any official by whom it may be countersigned, whenever such official shall consider such action to be for the good of the service. Within seven days after any such suspension the licensee may file an appeal in writing to the Secretary supported by any evidence he may wish to offer in his behalf.**

#### Regulation 7.—Fees and Charges

**SECTION 1. Fees and charges for inspections.**—The fees and charges to be collected by inspectors for complete, partial, and sample inspections at shipping points, designated markets, and other points shall be fixed in accordance with paragraphs 1 and 2 of this section.

*Paragraph 1. Inspection by salaried employees of the Department of Agriculture.*—Fees and charges for inspections by salaried employees of the Department of Agriculture shall be fixed by the Secretary and published in accordance with regulation 8, section 1.

*Paragraph 2. Inspections made under cooperative agreements.*—Fees and charges for inspections made under a cooperative agreement with a State or other organization shall be in accordance with the terms of such agreement approved by the chief of the bureau.

**SEC. 2. Fees and charges for appeal inspections.**—The fee for an appeal inspection shall be three times the fee for the complete or sample inspection from which the appeal is taken, plus any charges for travel or other items incurred by the Department of Agriculture in making such appeal inspections, provided that when it is found that there was a material error in the complete inspection or sample inspection from which the appeal is taken, no fee will be charged.

**SEC. 3. Fees and charges when inspections or appeal inspections are withdrawn or refused.**—When applications for inspection or appeal inspection are withdrawn by the applicant in accordance with regulation 4, section 9, or regulation 5, section 3, or when such applications are refused in accordance with regulation 4, section 10, or regulation 5, section 4, the applicant may be required to pay a reasonable amount for the inspector's time, together with all expenses for travel and other items in connection with such application prior to such withdrawal or refusal.

**SEC. 4. Payment of fees and charges.**—The fees and charges for each inspection or appeal inspection shall be paid by the applicant in accordance with

the directions on the fee bill furnished him by the inspector and in advance if required by the inspector. Fees and charges for inspections or appeal inspections made by inspectors who are employed exclusively by the Department of Agriculture shall be remitted promptly to the disbursing clerk of the Department of Agriculture. Fees for inspections made by a licensed inspector acting exclusively for the Department of Agriculture, less the percentage thereof which he is allowed by the terms of his contract of employment as compensation for his service, shall be remitted to the disbursing clerk of the Department of Agriculture. Fees for inspections and appeal inspections made by an inspector acting under a cooperative agreement with a State or other agency shall be disposed of in accordance with the terms of such agreement. The chief of the bureau will cause to be returned to the person entitled thereto any money remitted in excess of the amount due the United States and to be deposited in the Treasury as miscellaneous receipts all moneys found to be due the United States.

#### Regulation 8.—Miscellaneous

**SECTION 1. Publications.**—Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the Bureau of Agricultural Economics and such other mediums as the chief of the bureau may from time to time designate for the purpose.

**SEC. 2. Receipt of papers to be recorded.**—The inspector or any other official of the department receiving any paper accepted for filing shall note thereon, or on a record kept for the purpose, the place and date of its receipt.

**SEC. 3. Hay must be accessible.**—The applicant shall cause the hay for which inspection or appeal inspection is requested to be made accessible for examination and to be so placed as to disclose its class, quality, and condition. This includes opening of a limited number of bales if the inspector considers this to be necessary.

**SEC. 4. Time of inspection.**—As many inspections and appeal inspections shall be made as facilities will permit and as far as practicable in the order in which applications are received, except that appeal inspections shall take precedence over other inspections.

**SEC. 5. Authority of agents.**—Proof of authority of any person applying for inspection on behalf of another may be required, in the discretion of the inspector.

**SEC. 6. Certificate superseded shall not represent grade of hay.**—When an inspection certificate has been superseded under these regulations by an appeal inspection certificate, such inspection certificate shall not thereafter represent the grade of the lot of hay described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for an appeal inspection is filed, the hay inspector issuing the appeal inspection certificate shall give such public notice of the issuance of such appeal inspection certificate and cancellation of the original certificate as he considers necessary to prevent fraud.

**SEC. 7. Misrepresentation.**—Any misrepresentation or any deceptive or fraudulent practice made or committed by any applicant for inspection may be deemed sufficient cause for debarring the person guilty thereof from any further benefits of the act, and in case of violations of the food and drugs act of June 30, 1906, may subject the shipper to prosecution and the hay to seizure.

